

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

CARLA TORREY,

Respondents

v.

MARK EDWARD TORREY.

Appellant

DOCKET NUMBER WD71246

DATE: November 16, 2010

Appeal From:

Circuit Court of Putnam County, MO
The Honorable Jack N. Peace, Judge

Appellate Judges:

Division Two: James Edward Welsh, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Attorneys:

Craig D. Ritchie, St. Joseph, MO

Counsel for Appellant

Attorneys:

Brenda R. Wall-Swedberg, Kirksville, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**CARLA TORREY, Respondents, v.
MARK EDWARD TORREY, Appellant**

WD71246

Putnam County

Before Division Two Judges: James Edward Welsh, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Mark Edward Torrey (Husband) appeals the circuit court's judgment dissolving his marriage to Carla Torrey (Wife). On appeal, Husband alleges that the circuit court erred in valuing and classifying certain marital and non-marital assets.

AFFIRMED.

Division Two holds:

(1) The circuit court did not err in classifying Husband's entire 401(k) plan as marital property because Husband failed to present clear and convincing evidence that an identifiable portion of the plan was his separate property.

(2) The circuit court did not err in valuing the marital interest in the parties' residence, classifying Wife's retirement account as her separate property, classifying a Great Western savings account as marital property, and classifying two parcels of real estate as marital property. The court valued and classified these items as Husband had requested in his proposed judgment; thus, error, if any, was invited error. Husband cannot rely upon invited error on appeal.

Opinion by: James Edward Welsh, Judge

November 16, 2010

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